

ZB# 91-22

Thomas Frisch

60-1-19

Plum:

July 8, 1991.

App. furnished
by mail 6/18/91.

Need:

- ① Photos - w/stakes.
- ② Copy Deed
- ③ Title Policy

Public Hearing

July 22, 1991.

Notice to ✓
Sent on 7/9/91.

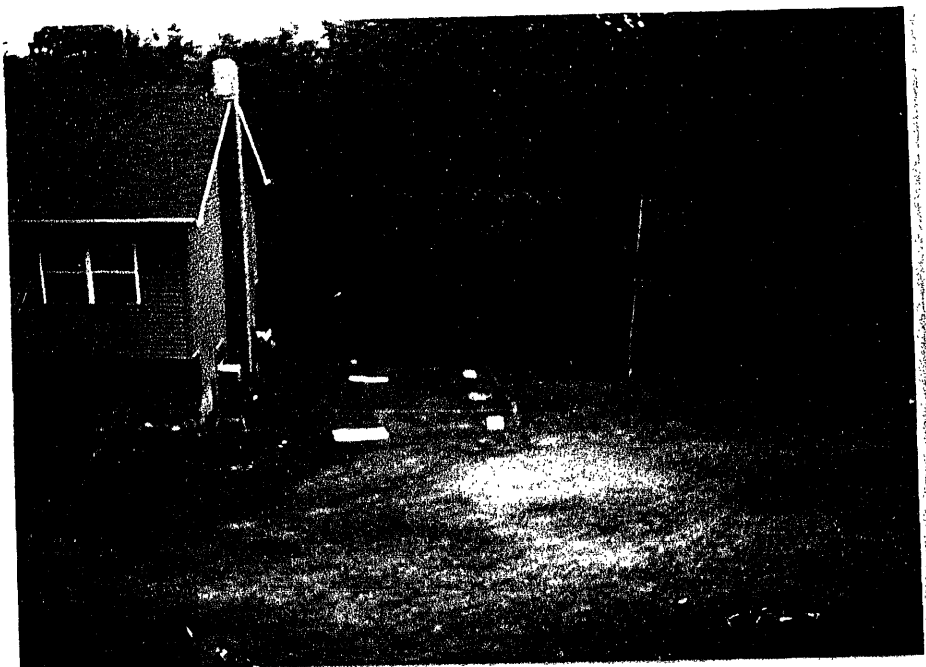
Fee paid

Decision drafted -

Area Variance
Granted on
July 22, 1991.

TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550		<h2 style="margin: 0;">General Receipt</h2>		12131											
Received of <u>Armeniae Trisch</u>		<u>July 23</u> 19 <u>91</u>													
For <u>Twenty-five and 00/100</u>		\$ <u>25.00</u>													
For <u>ZBA Application Fee</u>		<u>100</u> DOLLARS													
DISTRIBUTION: <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th style="width: 33%;">FUND</th> <th style="width: 33%;">CODE</th> <th style="width: 33%;">AMOUNT</th> </tr> </thead> <tbody> <tr> <td><u>CR #7604</u></td> <td></td> <td><u>25.00</u></td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		FUND	CODE	AMOUNT	<u>CR #7604</u>		<u>25.00</u>							By <u>Pauline M. Townsend</u> <u>Town Clerk</u> <div style="text-align: right; font-size: small;">Title</div>	
FUND	CODE	AMOUNT													
<u>CR #7604</u>		<u>25.00</u>													

Williamson Law Book Co., Rochester, N. Y. 14609



NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of

THOMAS FRISCH,

#91-22.

DECISION GRANTING
AREA VARIANCE

-----x

WHEREAS, THOMAS FRISCH, of R. D. 4, Short Road, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for an 11 ft. rear yard variance in order to construct a wood deck on property located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 22nd day of July, 1991 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant, THOMAS FRISCH, appeared in behalf of himself and spoke in support of the application; and

WHEREAS, there were no spectators present at the public hearing who were interested in this application; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to rear yard in order to construct a wood deck at his residence in an R-4 zone.

3. The evidence presented by applicant substantiated the fact that a variance for less than the allowable rear yard would be required in order to allow construction of the proposed addition, which otherwise would conform to the bulk regulations in the R-4 zone.

4. The evidence presented by the applicant indicated that his residence technically has three (3) front yards and to construct the deck at any other location on the property in order to conform to the bulk regulations would be impractical and uneconomical.

5. The evidence presented by the applicant indicated that

if the proposed deck were attached to the front of the house, in the front yard, this would involve filling in a 20 ft. deep drop at considerable expense to the applicant.

6. The evidence presented by the applicant further indicated that if the proposed deck were attached to the side of the house, in the second front yard, it would result in a very narrow deck due to the driveway location.

7. The evidence presented by the applicant further indicated that if the proposed deck were attached to the side of the house, in the third front yard, it would have to be elevated, due to the two-tier landscaping on that side, would not allow access to the yard, and would require people to go under the deck.

8. The evidence presented by the applicant further indicated that locating the proposed deck in any of the three front yards would create a greater expense due to the doors needed for access; and that such a deck located in any front yard would not add much to the value of the property or would diminish the value of the property, or would diminish the value of the property, while a deck located in the rear yard, if the variance were granted, would enhance the value of the property.

9. The evidence presented on behalf of the applicant also indicated that he would suffer significant economic injury from the strict application of the bulk regulations to his lot because an addition which complies with the bulk regulations would be expensive to build and would not provide an adequate return on the investment because it would lack utility and be only partly functional.

10. The evidence presented by applicant substantiated the fact that the addition could not be constructed economically on any other portion of the parcel because the applicant has a unique condition wherein his lot is a corner lot and has three front yards. Thus, it is the finding of this Board that the applicant has demonstrated significant economic injury from the strict application of the zoning local law to this lot.

11. It is the finding of this Board that the applicant has made a sufficient showing of practical difficulty, entitling him to the requested area variance.

12. The requested variance is not substantial in relation to the bulk regulations for rear yard.

13. The requested variance will not result in substantial detriment to adjoining properties nor change the character of the neighborhood.

14. The requested variance will produce no effect on the population density or governmental facilities.

15. There is no other feasible method available to applicant which can produce the necessary results other than the variance procedure.

16. The interest of justice would be served by allowing the granting of the requested variance.

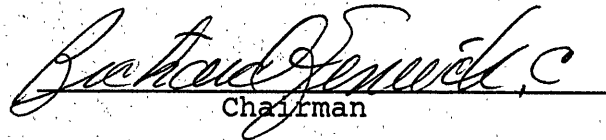
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT an 11 ft. rear yard variance to allow construction of a deck located in the rear yard in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: August 12, 1991.


Chairman

(ZBA DISK#1-053085.FD)

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Prelim.
July 8, 1991

DATE: 5-31-91

APPLICANT: THOMAS FRISCH

RD4 Short RD Box 454-B

New Windsor N.Y.

359-4700
X 411 (W)

496-6474

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED MAY 22, 1991
FOR (BUILDING PERMIT) _____

LOCATED AT Box 454 B Short RD
ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 60 BLOCK: 1 LOT: 19

IS DISAPPROVED ON THE FOLLOWING GROUNDS: INSUFFICIENT
REAR YARD SET BACK (CORNER LOT)
FOR CONSTRUCTION OF WOOD DECK -

Frank Lian
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>R-4</u> USE <u>48-14 B-2</u>		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD.		
REQ'D TOTAL SIDE YD.		
REQ'D REAR YD. <u>40'</u>	<u>29'</u>	<u>11'</u>
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE		

New Windsor N.Y.

496-6474

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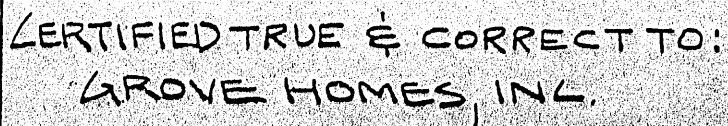
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REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE _____ %	_____ %	_____ %

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-565-8550) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, B.P. FILE

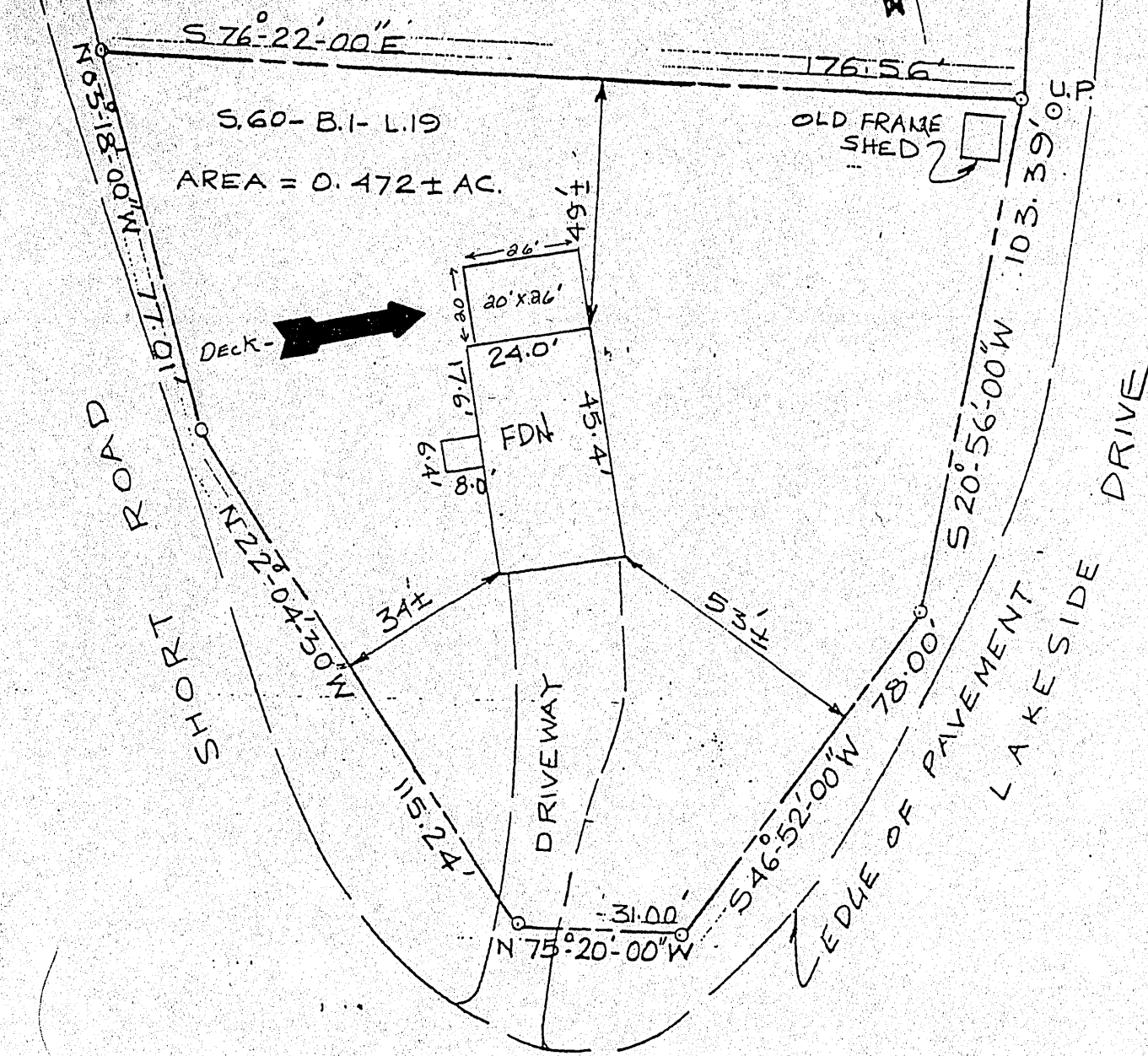
SCALE: 1"=30'
DATE: 8-30-86

DEED - NORTH



TOWN OF NEW WINDSOR
ORANGE CTY. NEW YORK

S.60-B.1-L.18
N/F MORASSE
L.2266 P.964



CERTIFIED TRUE & CORRECT TO:
GROVE HOMES, INC.

SURVEY FOR
GROVE HOMES
TOWN OF NEW WINDSOR
ORANGE CTY., NEW YORK

DEED REF:
LIBER 1671
PAGE 47B

Gerald Zimmerman
GERALD ZIMMERMAN P.L.S. LIC. NO 49410
SUBJECT TO COVENANTS, EASEMENTS & RESTRICTIONS
OF RECORD IF ANY

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1- WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2- FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3- INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4- WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5- INSULATION.
- 6- PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
- 7- DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
- 8- \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9- PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10- THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11- SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12- SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13- ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.
- 14- ALL BUILDING PERMITS WILL NEED A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A \$15.00 FEE FOR THIS.

Name of Owner of Premises..... FRISCH, THOMAS E. AND ANNEMARIE
Address RD # 4 SHORT RD. BOX 454B Phone 496-6474
Name of Architect SAME AS ABOVE OR N/A
Address..... Phone.....
Name of Contractor SAME AS ABOVE OR N/A
Address..... Phone.....
State whether applicant is owner, lessee, agent, architect, engineer or builder..... HOME OWNER
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of SHORT ROAD
(N.S.E. or W.)
andfeet from the intersection of PLEASE REFER TO ATTACHED SURVEY
2. Zone or use district in which premises are situated. Is property in a flood zone? YesNo XXX.
3. Tax Map description of property: Section.....Block.....Lot.....
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy.....b. Intended use and occupancy
5. Nature of work (check which applicable): New BuildingAdditionAlterationRepair
RemovalDemolitionOther DECK
6. Size of lot: Front RearDepth.....Front Yard.....Rear Yard.....Side Yard.....
Is this a corner lot? CORNER OF SHORT RD. AND LAKESIDE DRIVE
REFER TO ATTACHED DECK PLAN
7. Dimensions of entire new construction: Front.....Rear.....Depth.....Height.....Number of stories.....
8. If dwelling, number of dwelling unitsNumber of dwelling units on each floor
Number of bedroomsBaths.....Toilets
Heating Plant: GasOilElectric/Hot AirHot Water

CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1- WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
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- 5- INSULATION.
- 6- PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
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Name of Owner of Premises.....FRISCH, THOMAS E. AND ANNEMARIE.....

Address.....RD # 4 SHORT RD. BOX 454B.....Phone.....496-6474.....

Name of Architect.....SAME AS ABOVE OR N/A.....

Address.....Phone.....

Name of Contractor.....SAME AS ABOVE OR N/A.....

Address.....Phone.....

State whether applicant is owner, lessee, agent, architect, engineer or builder.....HOME OWNER.....

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the.....EAST.....side of.....SHORT ROAD.....
(N.S.E. or W.)
and.....feet from the intersection of.....PLEASE REFER TO ATTACHED SURVEY.....
2. Zone or use district in which premises are situated. Is property in a flood zone? Yes.....No...XXX..
3. Tax Map description of property: Section.....Block.....Lot.....
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy.....b. Intended use and occupancy.....
5. Nature of work (check which applicable): New Building.....Addition.....Alteration.....Repair.....
Removal.....Demolition.....Other...DECK
6. Size of lot: Front Rear.....Depth.....Front Yard.....Rear Yard.....Side Yard.....PLEASE REFER TO ATTACHED SURVEY
Is this a corner lot?.....CORNER OF SHORT RD AND LAKESIDE DRIVE
REFER TO ATTACHED DECK PLAN
7. Dimensions of entire new construction: Front.....Rear.....Depth.....Height.....Number of stories.....
8. If dwelling, number of dwelling units.....Number of dwelling units on each floor.....
Number of bedrooms.....Baths.....Toilets.....
Heating Plant: Gas.....Oil.....Electric/Hot Air.....Hot Water.....
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
10. Estimated cost.....\$3,000.00.....Fee.....
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Thomas & Ann Marie Frisch

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

-----X
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On July 9, 1991, I compared the 44 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
9th day of July, 1991.

Cheryl L. Canfield
Notary Public

CHERYL L. CANFIELD
Notary Public, State of New York
Qualified in Orange County
4881654
Commission Expires December 29, 1992

(TA DOCDISK#7-030586.AOS)

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

91-22

Date:

7/1/91

I. Applicant Information:

- (a) Erich Thomas E. RD 4 Box 454B Short Rd. New Windsor, N.Y.
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R-4 RD 4 Box 454B N.W. NY 60-1-19 3/4 acre
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1986
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48, Table of 14 Regs., Col. B-2.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yd. <u>40'</u>	<u>29'</u>	<u>11'</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

This is the only practical area where a deck can be constructed. On corner lot, the 1st front has a 20' drop, the 2nd front is a driveway and the 3rd front has a 2-tier landscape due to hill. Designated rear has room and is levelst area of property. Furthermore it is the only side of house that will not present an economic burden for installation of doorway from house to deck.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation:

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Deck structure will conform to standards set by the Town of New Windsor and will conform to the residential nature of the community.

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ *N/A* Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date July 2, 1991

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Josephine Trisch
(Applicant)

Sworn to before me this

2nd day of July, 1991.
Patricia A. Barnhart

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1991

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

44

June 28, 1991

Annemarie Frisch
RD 4, Box 454 B Short Road
New Windsor, NY 12553

Re: 500 ft. Variance List
60-1-19

Dear Mrs. Frisch:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

L. Cook / (P)

LESLIE COOK
Sole Assessor

LC/cp
Attachments

cc: Patricia Barnhart

Mirja Hoffman ✓
5500 Fieldstone Road
Bronx, NY 10471

Irving & Helen Becker ✓
1046 March Dr.
Valley Stream, NY 11580

Mans Bros. R.V. & Auto Centers Inc. ✓
P.O. Box 247
Vails Gate, NY 12584

Richard & Ursula Morasse ✓
RD 4 Lakeside Dr. Box 372
New Windsor, NY 12553

Joel David Nisson ✓
225 West 106th St.
New York, NY 10025

Morasse Roland Est. of ✓
c/o Richard & Ronald F. Rose
RD 4 Lakeside Dr. Box 372
New Windsor, NY 12553

Thomas C. Jr. & Joann L. Brand ✓
456 Short Rd.
New Windsor, NY 12553

Margaret Mary Lally ✓
c/o M. A. Costa Esq.
386 Chestnut Court
Yorktown Heights, NY 10598

Harold A. Kiernan ✓
P.O. Box 215
Newburgh, NY 12550

Raymond & Margaret Robare ✓
Box 368 Short Dr.
New Windsor, NY 12553

Edith Kolodie ✓
Box 459 RD 4 Short Rd.
New Windsor, NY 12553

Helen Clarke Moore ✓
RD 4 Box 349 Shore Dr.
New Windsor, NY 12553

Donna M. Mans ✓
c/o Donna M. Gery
Intel. Div. H.Q. Command
USAE Shape
APO, NY 09055

Lourens & Angeline Mans
RD 4 Box 351 Shore Dr.
New Windsor, NY 12553 ✓

Frank H. & Alice M. Allen
RD 4 Box 350C Shore Dr.
New Windsor, NY 12553 ✓

Anthony A. & Christine L. Gooler
Box 362 Rd 4 Walnut St.
New Windsor, NY 12553 ✓

Carl G. & Laura Rosenbauer
Box 361 RD 4 Walnut Ave.
New Windsor, NY 12553 ✓

William & Fannie Miller
RD 4 Walnut Ave.
New Windsor, NY 12553 ✓

Anthony & Vincie Galasso
RD 4 Box 358B Walnut Ave.
New Windsor, NY 12553 ✓

John J. & Nancy Mahoney
RD 4 Walnut Ave.
New Windsor, NY 12553 ✓

Joseph Kamas
RD 4 Box 356 Walnut Ave.
New Windsor, NY 12553 ✓

Charles P. & Norma J. Esposito
350A Shore Dr.
New Windsor, NY 12553 ✓

George Jr. & Lorraine Ventiera
Box 350B RD 4 Shore Dr.
New Windsor, NY 12553 ✓

Berta Ledecy
~~1000 Green St.~~ 4100 Massachusetts Ave. NW #1416
~~San Francisco, CA 94133~~ Washington, D.C. 20016

Montalvo, Irving &
Jusino, Gloria
16 Seminara Circle
Garnerville, NY 10923 ✓

Keyser, Kevin F. & Christine F.
RD 4 Walnut Ave., Box 361B
New Windsor, NY 12553 ✓

Walsh, William P. Jr. & Mary Ann
625 Fountain Blvd.
Satellite Beach, Florida 32927 ✓

Voglesong, Daniel P. & Christine A.
RD 4, Box 360 Walnut Ave.
New Windsor, NY 12553 ✓

Somma, Salvatore & Barbara L.
RD 4 Oak Drive, Box 463
New Windsor, NY 12553 ✓

Davidson, Carol R.
RD 4, Box 460 Oak Drive ✓
New Windsor, NY 12553

Salony, John & Ann
RD 4, Box 466 Oak Drive ✓
New Windsor, NY 12553

Kosik, Alexander & Mary ✓
RD 4 Oak Drive
New Windsor, NY 12553

Beaver Dam Lake Water Corp. ✓
c/o Helen O'Leary
RD 4, Box 530B Shore Drive
New Windsor, NY 12553

Rinaldi, Mary ✓
RD 4, Box 484 Maple Ave.
New Windsor, NY 12553

Rubino, Paul R. & Katrina C. ✓
RD 4, Box 485B
New Windsor, NY 12553

Ramel, Patricia ✓
RD 4, Box 480 Maple Ave.
New Windsor, NY 12553

Nuccio, Robert T. & Susanna S. ✓
RD 4, Maple Ave., Box 480
New Windsor, NY 12553

Newman Development Co. ✓
RD #1, Box 313, Route 9
Fishkill, NY 12524

Ahlert, William K. & Karen L. ✓
PO Box 659
Hackettstown, NJ 07840

Pucci, John J. & Susan A. ✓
RD 4, Box 482 Maple Ave.
New Windsor, NY 12553

Joseph G. & Marion E. Mecca
RD 4 Lakeside Dr.
Salisbury Mills, NY 12577 ✓

Serge R. & Julia A. ~~Morale~~ Morel
RD 4 Box 371 Lakeside Dr.
New Windsor, NY 12553 ✓

Robert J. Ducanson
370B Lakeside Dr.
New Windsor, NY 12553 ✓

Robert I. & Patricia A. Williams
RD 4 Box 370 Lakeside Dr.
New Windsor, NY 12553 ✓

THOMAS FRISCH:

Mr. Thomas Frisch came before the Board representing this proposal.

BY MR. FENWICK: This is a request for 11 foot rear yard variance to construct a wooden deck on corner lot located on Short Road in R4 zone. Tell us your story now, it's on the record.

BY MR. FRISCH: Okay, back in May I put together plans to build a deck, went down to visit the building inspector, went over the plans. He confirmed that I needed 15 feet on the side of my house where I was building the deck. I had 30, so there was no problem there. Then we went over the other things about basically beams, stuff like that, so I picked up the permit a day later, filled it out and sent it in and didn't hear anything for a week. At that time I called the building inspector and was told they were in the process of moving their offices, so forth and so on and go ahead and start which I did. I started digging my holes, which I have them dug. One week later I got a written notification that the plan was rejected because it wasn't the side of my house, it was the rear of my house, which I still don't understand but that's when I came last time.

BY MR. FENWICK: We have drawings and applications.

BY MR. TORLEY: This is the property that sits in the fork of the road?

BY MR. FENWICK: No, this is the property with three front yards.

BY MR. FRISCH: Right, still trying to figure that one out.

BY MR. FENWICK: And this, is this off the deck in the rear of the property, is that what we're saying here?

BY MR. FRISCH: Yes, I drew a little picture of it. This is the front of my house, I live on Short Road. This being the rear, what I consider the rear. My driveway comes in here. This is the side of my house and this is all wood here.

BY MR. FENWICK: Can you step back and show, all the members can see this?

BY MR. FRISCH: Sure. There's probably 100 foot difference in height from the top to the bottom. It's like rice patties, it's layered and then a layer with the house, then it goes down another layer.

BY MR. FENWICK: How long has this house been here?

BY MR. FRISCH: Five years in November.

BY MR. FENWICK: Is that when the house was built?

BY MR. FRISCH: '86, yes.

BY MR. FENWICK: Is this in Beaver Dam area?

BY MR. FRISCH: Yes. There's really nothing there on the side.

BY MR. FENWICK: Also it's no problem, I'm just trying to put it in my mind. It looked very familiar.

BY MR. TORLEY: I have got no problem only because of the unusual nature of the lot. If there was ever a practical difficulty, this is it.

BY MR. TANNER: On the side where the deck is there is nothing but woods?

BY MR. FRISCH: There is woods, my neighbor who's Morassi (phonetic), who probably lives about 300 feet further down, I'm the only one that lives on this side of Short, there are a few houses over here. He has, in the last few years, built two houses which he rents and one of them is fairly close to my property, actually his driveway kind of comes on my land a little bit on top of the hill but those are rentals. He lives quite a bit further down. Other than that, there's really --

BY MR. TANNER: I know where that is.

BY MR. FENWICK: Unfortunately he's right. That's your rear yard. If you were on a corner lot, he'd have a front yard and side yard, but you're on a very unusual lot that has all front yard. Anything that is on the road is considered a front yard.

BY MR. LUCIA: The applicable section of the ordinance is 4814B2, which provides a corner lot front yard required on both street frontages. You have three street frontages, so you have three front yards required and one yard other than the front yard shall be deemed to be a rear yard and the other or other side yards you never get to the side yards part of it, after you use up the first three for front yards, your next yard whichever it happens to be is the rear yard.

BY MR. FRISCH: Could you possibly have three parts, a rear, front and a side?

BY MR. LUCIA: If you had five sides, five sided lot. There's also a provision if you use the, although that seems to be two courses, the chord distance connecting the two points would be the front yard measurement and the setback would come from the chord, he seems to be clear on all these.

BY MR. FRISCH: If this were, I'm trying everything. If this, since this part of the yard also is on the road and say it was up here, I mean basically they border the road, where do you cut off?

BY MR. TORLEY: Two front yards and a side yard, instead of a rear yard.

BY MR. FRISCH: Originally I was told it was a side yard, that's why he told me it was no problem but in theory it's on the road and this is on the road also. Would it help me --

BY MR. FENWICK: That would be worse because you can't extend any further than your house now.

BY MR. LUCIA: It would appear basically that this layout that the two courses on the north side of the lot, you could draw a chord between them and create a front yard on this side. The course is designated north 7520, west would be a second front yard and a chord between the two courses on the south side would be the third front yard line. Leaving only a rear yard.

BY MR. TORLEY: I'm having trouble with this. It's a road that forks here.

BY MR. FENWICK: He's cited by the building inspector the way it is. If you find out something else, it's going to be taken up with the building inspector.

BY Mr. TORLEY: Do you want a motion for the public hearing?

BY MR. FRISCH: I'm going to fill in the holes, okay I don't know whether that has any bearing with me getting a variance.

BY MR. FENWICK: Why are you going to fill in the holes?

BY MR. FRISCH: They are collapsing with the rain, it's really bad. I'm going to fill them in with concrete. I'll take this up with the building inspector.

BY MR. TORLEY: That's fine, that's called landscaping.

BY MR. FRISCH: If he wants to come out and take a look, maybe he owes me that for telling me to start, as long as that has no bearing on you guys.

BY MR. FENWICK: No. I don't mean to be giving you the final answer, if you can convince Mike that's a side yard and he writes you up that way, I mean Larry is making an argument based on the configuration of the lot. If you can demonstrate to Mike it may obviate the need for a variance.

BY MR. TORLEY: I move we set him up for a public hearing.

BY MR. TANNER: I'll second it.

ROLL CALL:

Torley: Aye.

Finnegan: Aye.

Tanner: Aye.

Fenwick: Aye.

BY MR. LUCIA: This is an area variance. The rear requirement this Board has to make a finding of in order to grant you a variance is something called practical difficulty. That involves a showing of significant economic injury, how the application of the ordinance strictly to your lot is causing you economic injury. You're certainly welcome to bring in the unusual configuration of the lot, difficulty in locating it someplace else and how that impacts your property values and why you can't locate this someplace else, that either requires no variance or a lesser variance.

BY MR. FRISCH: Quick question. I'm able to at least talk to you about that next week and you feel it's okay and during, well not next week, but when the hearing is and the second part of it, I guess the neighbors all get notified if anyone objects, neighbors, let's say I have talked to quite a few of them already and you're satisfied with my explanation, would the variance go through? I mean is there anything else?

BY MR. LUCIA: That's all really up to the Board. The neighbors don't control it. That's input from the Board's standpoint. But if you present the Board with enough evidence to make that practical difficulty showing, I see no reason why the Board wouldn't grant it, but it depends on the caliber of proof that you put in on, of a significant economic injury and practical difficulty.

BY MR. FRISCH: You have no problem with filling the holes in?

BY MR. TORLEY: We don't care.

BY MR. LUCIA: We need photographs of the site, please showing the back yard, where you intend to locate the deck, copy of your deed and title policy, please.

BY MR. TANNER: When you take the photographs, put some stakes on it so we can tell where the deck is going. It's kind of helpful.

BY MR. FRISCH: I already have that out there trying to keep people out of the area.

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MISCELLANEOUS

MR. FENWICK: Something that came up, there was somebody inadvertently got a building permit and they weren't supposed to and a lot of things got changed. It wasn't important who it was but I did get a call from the Supervisor. We got a call from the Supervisor. I got a call from the Supervisor saying that why was there only four things on the agenda tonight and I proceeded to explain to him that there was only supposed to be one and made excuses for the other three that I shouldn't have put on there but I did. The first preliminary was already scheduled before we got into this situation, the Pappis thing, we were all familiar with that. That was a quick turn around and Ted, we put on and I told him if it got real late, he wasn't to make it so we stayed and we did it. That's all.

The other thing is the statement was made that most of the time we're out of here before 8:30. Where do we get the right to limit to seven items?

The other thing was apparently this gentleman's piece of property is George wanted to move it up and I don't know where he gets his opinion of that, if we get the guy on, he's going through that night, okay, the thing is you get a preliminary, a public hearing, a formal hearing. There's three meetings. There's no way you can out of those three meetings. He's already done the work. He got a building permit and started the work and then got a stop work order. We have seven items on the next two weeks agendas. I told George that I would ask the members if they would like to put this item on as the eighth item. Is that correct, we have seven items?

MRS. BARNHART: I believe so, isn't that what I told you? I didn't have it with me.

MR. FENWICK: You told me there was seven and we were moving the next items into July's meeting. He's been issued a building permit and then, given a stop work order and he was to close to the line.

MR. NUGENT: What's he's doing?

MR. TORLEY: I move we put this on for the next meeting.

MR. NUGENT: I second it.

MR. BABCOCK: He never got a building permit.

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MR. THOMAS FRISCH: I never said I got one.

MR. FENWICK: I was told you got a building permit.

MR. TORLEY: I still move to put it on for the next time.

MR. FENWICK: I was told you were issued a building permit and inadvertently issued --

MR. FRISCH: I don't want you guys to get the wrong idea. I went to visit the Building Inspector to go over my plans and we went over them and we went over the plans and I had my survey of the land, the deck plans, the whole works and he said, I told him I was putting it on the side instead of the rear and he said well, there's a difference on the side, you need 15 feet from the end of the deck to the adjoining property. I had 30 feet so he said no problem. So, I picked up the permit. My wife took it in a couple of days later. It was about a week later I hadn't gotten it back. My understanding was you got it back pretty fast from the neighbors and stuff and that's when I was told they were moving, in the process of moving offices. So, they said you can start digging so I started digging. I have got five holes in my side yard right now, little kids, the whole works, very dangerous situation. That's why I'm here. Then, a week later, I get a notification that my permit has been rejected for a reason that I don't have enough side yardage in the rear and it's not in the rear, it's on the side and it's because I have a corner lot. And, I don't understand.

MR. BABCOCK: Just to clarify it, the reason the week went by, I was on vacation and my assistant didn't know what to do with this. This has three front yards. The law says that on corner lots, one other yard shall be deemed a rear yard, other than the front yards. Me and Dan have been through this. Frank was, didn't realize that and said I guess told this gentleman's wife that he'd have to check with me. He left it on my desk. I didn't know it was there, I left Thursday. I came back the following Thursday. And that, this Thursday was the week that went passed and Frank said what do we do with this, it's a rear yard and it needs 40 feet instead of the 15 feet and that's where the week went and it's something that we don't face on a daily basis.

MR. FRISCH: I do believe it's a side yard though on, not the rear.

MR. LUCIA: It's not the layman's idea of what's a front,

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side, or rear yard, because you have a corner yard, all of the yards facing a street are deemed to be front yards. Now, if you have three of them you can't have three front yards so the code says in that instance, two of them are front yards, one other, you can pick it, is a rear yard and the remaining one is a side yard. Now, you can pick which way to go to your advantage but you still need a variance on the rear yard.

MR. BABCOCK: What happens is he has three front yards, okay, and he only has, he's on three roads.

MR. FENWICK: I don't want to put you off but by way of sticking around, you have kind of stuck in a preliminary hearing. You're not scheduled for one so we still have other things to go through yet.

MR. LUCIA: It seems to me my recollection is you have two and then you pick a front and rear.

MR. BABCOCK: You can have four and if there's any other yards left, the way it reads, it has to be a rear.

MR. FENWICK: Let's get off of it right now. We have a motion to put it on the next agenda making it the eighth item on the next meeting coming up.

MR. FRISCH: That's one of the reasons I came down.

MR. FENWICK: We have a motion. Do we have a second?

MR. KONKOL: Yes.

ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. BABCOCK: I talked to Frank and Frank told me that he didn't tell anybody.

MR. FRISCH: Frank didn't but somebody in the office did, the secretary.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 22

Request of Thomas E. Frisch

for a VARIANCE of

the regulations of the Zoning Local Law to

permit Construction of Wood Deck

with insufficient rear yard setback

being a VARIANCE of

Section 48-14 B(2) - Supp. Yard Reqs.

for property situated as follows:

Corner of Short Rd. and Lakeside

Dr., Beaver Dam Lake, known &

designated as tax map Sec. 60-Blk. 1-Lot 19.

SAID HEARING will take place on the 22nd day of

July, 1991, at the New Windsor Town Hall,

555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

Richard Fenwick
Chairman